



DOCKET NO.: W0571.70010US02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Thomas Tuschl et al.
Serial No.: 09/821,832
Confirmation No.: 6240
Filed: March 30, 2001
For: RNA SEQUENCE-SPECIFIC MEDIATORS OF RNA
INTERFERENCE

Examiner: S. Chunduru
Art Unit: 1637

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the 7th day of July, 2005.

Helen C. Lockhart, Ph.D., Reg. No. 39,248

MAIL STOP RCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

This Information Disclosure Statement has been filed before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

PART II: Information Cited

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

PART III: Other Information:

In the interest of insuring that the Examiner is aware of all relevant facts known to the Applicants, the Examiner's attention is directed to the existence of a co-pending patent application, US Application Serial No. 10/433,050.

The present application contains text at page 14 line 25 – page 15 line 13 and in example 5, which was not included in US provisional patent application 60/193,594 to which the above-identified patent application claims priority.

The subject matter of the text at page 14 line 25 – page 15 line 13 was previously included in European Patent Application No. 00126325.0 filed in the names of Tuschl, Elbashir, and Lendeckel, to which US Application Serial No. 10/433,050 claims priority (copies enclosed). Thomas Tuschl, one of the named co-inventors of European Patent Application No. 0 0126325.0 and US Application Serial No. 10/433,050 is a co-inventor of the present patent application. Elbashir, and Lendeckel are not named inventors on the present patent application. Applicants do not rely on the above-described text for supporting any of the currently pending claims. Additionally, the present application contains Example 5. Applicants do not rely on the above-described Example for supporting any of the currently pending claims. Rather, Applicants contend that the present claims are fully allowable without reliance upon such information. The data of Example 5 was included in US10/433,050 which claims priority to European Patent Application No. 00126325.0.

Also enclosed is Exhibit 1 of IDS. This document was filed against the corresponding Japanese application.

PART IV: Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;
2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

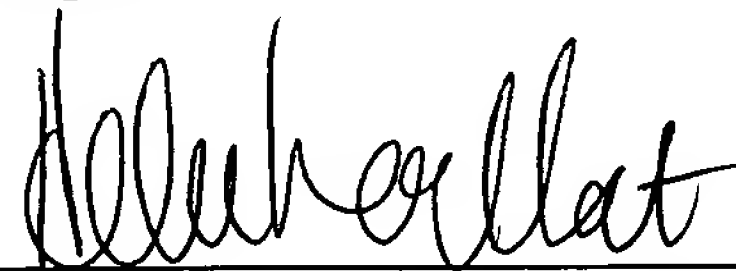
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

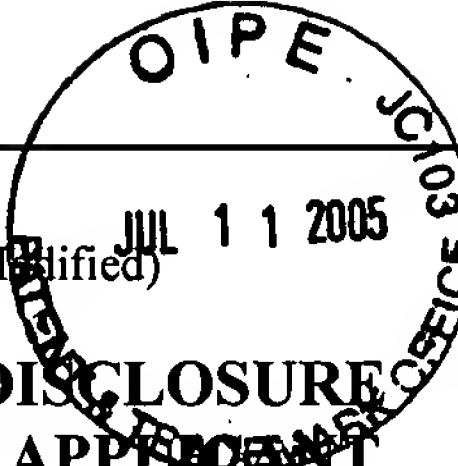
Respectfully submitted,

By:



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FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: 09/821,832		ATTY. DOCKET NO.: W0571.70010US02		
				FILING DATE: March 30, 2001		CONFIRMATION NO.: 6240		
				APPLICANT: Thomas Tuschl et al.				
				GROUP ART UNIT: 1637		EXAMINER: S. Chunduru		
Sheet	1	of	1					

U.S. PATENT DOCUMENTS					
Examiner's Initials	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YYYY
		Number	Kind Code		

FOREIGN PATENT DOCUMENTS							
Examiner's Initials	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YYYY	Translation (Y/N)
		Office/ Country	Number	Kind Code			

OTHER ART — NON PATENT LITERATURE DOCUMENTS					
Examiner's Initials	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)		
	C93	ALLERSON et al., "Fully2'-Modified Oligonucleotide Duplex with Improved in Vitro Potency and Stability Compared to Unmodified Interfering RNA", J. Med. Chem. 2005, Vol. 48, pp. 901-904			
	C94	BRAASCH et al., "RNA Interference in Mammalian Cells by Chemically-Modified RNA", Biochemistry 2003, Vol. 42, pp. 7967-7975			
	C95	CHIU et al., "siRNA function in RNAi: A Chemical Modification Analysis", RNA, 2003, Vol. 9, pp. 1034-1048			
	C96	CZAUDERNA et al., "Structural Variations and Stabilising Modifications of Synthetic siRNAs in Mammalian Cells", Nucleic Acids Research, 2003, Vol. 31, No. 11, pp. 2705-2716			
	C97	ELBASHIR et al., "Functional Anatomy of siRNAs for Mediating Efficient RNAi in Drosophila Melanogaster Embryo Lysate", The EMBO Journal, Vol. 20, No. 23, pp. 6877-6888, 2001			
	C98	ELMÉN et al., "Locked Nucleic Acid (LNA) Mediated Improvements in siRNA Stability and Functionality", Nucleic Acids Research, 2005, Vol. 33, No. 1, pp. 439-447			
	C99	KAWASAKI, et al., " <i>In Vitro</i> Dicing and Optimized Expression Vectors for siRNA in Mammalian Cells," <i>Proteins, Nucleic Acids, and Enzymes</i> , Vol. 48, No. 11, 2003, pp. 1638-1645	Y		
	C100	MORITA, et al., "RNAi Provides A New Tool for Functional Analyses of Mammalian Genes," <i>Proteins, Nucleic Acids, and Enzymes</i> , Vol. 47, No. 14, 2002, pp. 1939-1945	Y		
	C101	SHIOTA, et al., "I Want to Know that RNAi Protocol of Animal!---(10) (Final Report) Effective RNAi in Mammal Cells," <i>Cell Engineering</i> , Vol. 22, No. 3, 2003, pp. 310-310	Y		

EXAMINER:	DATE CONSIDERED:
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#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.

[NOTE - The Office hereby waives the requirement under 37 CFR 1.98 (a)(2)(i) for submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after June 30, 2003 and for all international applications that have entered the national stage under 35 USC 371 after June 30, 2003. See 37 CFR 1.491(b). For all patent applications filed on or before June 30, 2003, copies of cited U.S. patents and patent application publications are still required unless an eIDS is filed. Copies of all other patent(s), publication(s), or other information listed must still be provided, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]